

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

AGRICULTURE AND FOOD  
PLANT INDUSTRY  
350 N REDWOOD RD  
SALT LAKE CITY UT 84116-3034, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathleen Mathews, Seth Winterton, or Jed Christenson at the above address, by phone at 801-538-7103, 801-538-7141, or 801-538-7108, by FAX at 801-538-7126, 801-538-9436, or 801-538-7126, or by Internet E-mail at kmathews@utah.gov, sethwinterton@utah.gov, or jedchristenson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON 02/07/2007

AUTHORIZED BY: Leonard M. Blackham, Commissioner

#### **R68. Agriculture and Food, Plant Industry.**

##### **R68-20. Utah Organic Standards.**

##### **R68-20-1. Authority.**

Promulgated under authority of Sections 4-2-2(1)(j), 4-3-2, 4-4-2, 4-5-17(1), 4-9-2, 4-11-3, 4-12-5, 4-14-6(5), 4-16-3, 4-32-7(7)(a)(ii), 4-37-109(2).

A. The Utah Department of Agriculture and Food (UDAF) adopts and incorporates by reference CFR, [December 2000] June 7, 2006 edition, Title 7 Part 205, National Organic Program Final Rule[ and amendments in Title 7 Part 205.600, Subpart G, The National List of Allowed and Prohibited Substances, effective November 4, 2003].

1. UDAF will make available to all its applicants for certification and producers of organic products, copies of the National Organic Program Final Rule.

#### **KEY: inspections**

Date of Enactment or Last Substantive Amendment: ~~April 1, 2004~~ 2007

Notice of Continuation: February 4, 2005

Authorizing, and Implemented or Interpreted Law: 4-2-2(1)(j); 4-3-2; 4-4-2; 4-5-17(1); 4-9-2; 4-11-3; 4-12-3; 4-14-6(5); 4-16-3; 4-32-7(7)(a)(ii); 4-37-109(2)

## **Environmental Quality, Air Quality R307-120**

### **General Requirements: Tax Exemption for Air and Water Pollution Control Equipment**

#### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR File No.: 29327

FILED: 12/14/2006, 16:26

#### **RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendment removes references to water pollution control equipment and the Water Quality Board, because the Water Quality Board has proposed its own rule to address these issues (see separate filing on Rule R317-12 in this issue.) (DAR NOTE: The proposed new Rule R317-12 is found under DAR No. 29326 in this issue, January 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The Legislature provided a sales tax credit for pollution control equipment in the early 1970s. The entire program was written into Title 19, Chapter 2, the Air Conservation Act, even though it applied to water pollution controls, as well as air pollution controls. Since that time, the Division of Water Quality has administered their own pollution control credits through Rule R307-120, which is an Air Quality rule. The Division of Water Quality is writing its own rule, Rule R317-12. The two divisions are working together to remove references to water pollution and the Water Quality Board from Rule R307-120 and ensuring that the new Water Quality rule and the changes in Rule R307-120 become effective on the same date. Some grammatical corrections in Rule R307-120 also are being made now (see separate filing in this issue on Rule R317-12.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-124, 19-2-125, 19-2-126, and 19-2-127

#### **ANTICIPATED COST OR SAVINGS TO:**

❖ THE STATE BUDGET: There are no changes in cost for the Division of Air Quality, as the water quality portion of the tax credit program has always been administered by the Water Quality Board.

❖ LOCAL GOVERNMENTS: There are no changes in cost for local governments, as the tax credit program is not available to local governments because they pay no taxes.

❖ OTHER PERSONS: There are no changes in cost for other persons, as the water quality portion of the tax credit program always has been administered by the Water Quality Board.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no changes in cost for other persons, as the water quality portion of the tax credit program always has been administered by the Water Quality Board.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no change in costs or benefits for business, as the Water Quality Board has always administered its part of the tax credit program. Dianne R. Neilson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/08/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

#### **R307. Environmental Quality, Air Quality.**

#### **R307-120. General Requirements: Tax Exemption for Air [and Water] Pollution Control Equipment.**

##### **R307-120-1. Application.**

Application for certification shall be made on the form[s] provided by the [State Department of Environmental] Division of Air Quality, and shall include all information requested thereon and such additional reasonably necessary information as is requested by the executive secretary of the Air Quality Board [or the executive secretary of the Water Quality Board].

##### **R307-120-2. Eligibility for Certification.**

Certification shall be made only for taxpayers who are owners, operators (under a lease) or contract purchasers of a trade or business that utilizes Utah property with a pollution control facility to prevent or minimize air pollution.

##### **R307-120-4. Conditions for Eligibility.**

(1) All materials, equipment and structures (or part thereof) purchased, leased or otherwise procured and services utilized for construction or installation in an [water or] air pollution control facility shall be eligible for certification, provided:

(a) such materials, equipment, structures (or part thereof), and services installed, constructed, or acquired result in a demonstrated reduction of pollutant discharges or emission pollutant levels, and

(b) the primary purpose of such materials, equipment, structures (or part thereof), and services is preventing, controlling, reducing, or disposing of [water or] air pollution.

(2) The above includes expenditures [which] that reduce the amount of pollutants produced as well as expenditures [which] that result in removal of pollutants from waste streams. The materials, equipment, structures (or part thereof), and services that are necessary for the proper functioning of air [or water] pollution control facilities meeting the requirements of (1)(a) and (b) above, including equipment required for compliance monitoring, shall be eligible for certification.

##### **R307-120-5. Limitations on Certification.**

Applications for certification shall be certified by the executive secretary of the [Air Quality] Board [or the executive secretary of the Water Quality Board] after consultation with the State Tax Commission and only if:

(1) [Air Quality]

— (a) [the air pollution control facility in question has been reviewed and approved by the executive secretary of the [Air Quality] Board for those air pollution sources needing review in accordance with R307-401, or

(b) [the air pollution control facilities installed, constructed, or acquired are the result of the requirements of these rules (permits by rule) or the State Implementation Plan.]

(2) Water Quality.

— (a) [plans for the water pollution control facility in question require review and approval by the Water Quality Board and have been so approved, or

(b) [the water pollution control facility is specifically required by the Water Quality Board, including facilities constructed for pretreatment of wastes prior to discharge to a public sewerage system in accordance with R317-8-8.1, but excluding facilities which are permitted by rule under R317-6-6.2 (Ground Water Discharge Permit by Rule) unless required to obtain an individual permit by the Water Quality Board, or

(c) [the water pollution control facility is required and permitted by another statutory board within the Department of Environmental Quality, or

(d) [the water pollution control facility eliminates or reduces the discharge of pollutants which would be regulated by the Water Quality Board, if such pollutants were discharged.]

##### **R307-120-6. Exemptions from Certification.**

The following items are specifically not eligible for certification:

(1) materials and supplies used in the normal operation or maintenance of the [water or] air pollution control facilities;

(2) materials, equipment, and services used to monitor ambient air [or water], unless required for a permit or approval from the Board [a statutory board within the Department of Environmental Quality];

(3) [materials, equipment, and services for collection, treatment, and disposal of human wastes, unless the primary purpose of such materials, equipment and services is the treatment of industrial wastes;

(4) materials, equipment and services used in removal, treatment, or disposal of pollutants from contaminated ground water, if the applicant caused the ground water contamination by failing to comply with applicable permits, approvals, rules, or standards existing at the time the contamination occurred; and

(5) [air conditioners.

##### **R307-120-7. Duty to Issue Certification.**

Upon determination that facilities described in any application under R307-120-1 satisfy the requirements of these rules and Sections 19-2-123 through 19-2-127 the executive secretary of the [Air Quality] Board [or the executive secretary of the Water Quality Board] shall issue a certification of pollution control facility to the applicant.

##### **R307-120-8. Appeal and Revocation.**

(1) A decision of the executive secretary of the [Air Quality] Board may be reviewed by filing a Request for Agency Action as

provided in R307-103-3. [A decision of the executive secretary of the Water Quality Board may be reviewed by filing a Request for Agency Action as provided in the administrative rules for Water Quality, R317.]

(2) Revocation of prior certification shall be made for any of the circumstances prescribed in Section 19-2-126, after consultation with the State Tax Commission.

**KEY:** air pollution, tax exemptions, equipment[<sup>2</sup>]

**Date of Enactment or Last Substantive Amendment:** [December 7, 2000]2007

**Notice of Continuation:** March 26, 2002

**Authorizing, and Implemented or Interpreted Law:** 19-2-123, 19-2-124; 19-2-125; 19-2-126; 19-2-127

## Environmental Quality, Radiation Control

### R313-25

## License Requirements for Land Disposal of Radioactive Waste - General Provisions

### NOTICE OF PROPOSED RULE

(Amendment)

DAR File No., 29333

FILED: 12/15/2006, 10:40

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the amendment is to change Section R313-25-1, Purpose and Scope, to "Purpose and Authority" consistent with other Division rules, and to update an incorporated Federal regulation to the current edition.

**SUMMARY OF THE RULE OR CHANGE:** The rule change modifies Section R313-25-1 to be "Purpose and Authority" consistent with other rules of the Division of Radiation Control. A change in Subsection R313-25-33(8)(a)(i) updates a Federal regulation that is incorporated by reference to the current edition.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsections 19-3-104(4), 19-3-104(8), 19-3-104(11), and 19-3-104(12)

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** Appendix G of 10 CFR 20.1001 to 20.2402 (2006)

### ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The proposed changes would not have any impact on the state budget since the changes do not modify any current requirement with a financial impact.

❖ **LOCAL GOVERNMENTS:** The proposed changes would not have any impact on any local government budget since the changes do not modify any current requirement with a financial impact.

❖ **OTHER PERSONS:** The proposed changes would not have any financial impact on other persons since the changes do not modify any current requirement with a financial impact.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons associated with the proposed rule changes since the changes do not modify any current requirement with a financial impact.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The proposed rule changes are not anticipated to have any financial impact on businesses since the changes modify the format of the affected rule and update an incorporated Federal regulation that businesses are subject to already. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
RADIATION CONTROL

Room 212

168 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

### DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/16/2007

AUTHORIZED BY: Dane Finerfrock, Director

### R313. Environmental Quality, Radiation Control.

#### R313-25. License Requirements for Land Disposal of Radioactive Waste - General Provisions.

##### R313-25-1. Purpose and Authority[Scope].

(1) The purpose of this rule is to prescribe the requirements for the issuance of [The rules in this chapter establish procedures, criteria, and terms and conditions upon which the Executive Secretary issues] licenses for the land disposal of wastes received from other persons.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4), 19-3-104(8), 19-3-104(11), and 19-3-104(12).

(3) The requirements of R313-25 are in addition to, and not in substitution for, other applicable requirements of these rules.